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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643

Group: 3727

Confirmation No.: 1879

Application No.: 10/537,426

Invention: EXPANDABLE HARD SUITCASE
HAVING MOLDED BASE AND LID
PORTIONS AND METHOD OF
MAKING SAME

Inventor: Sedat Selvi

Filed: June 2, 2005

Attorney

Docket: 38566-77784

Examiner: Weaver, Sue A.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on June 7, 2006


(Signature)

Joyce Hamilton
(Printed Name)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. Under MPEP § 2001.06(c), "where the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the Patent and Trademark Office." The suitcase which is shown and described in the present patent application

is also the subject of a trademark and trade dress lawsuit, *Landor & Hawa U.S.A., Inc., Landor & Hawa International, Ltd. v. Traveler's Club Luggage, Inc.*, which was filed in United States District Court for the Southern District of Indiana, Indianapolis Division and assigned case number 06-cv-0528-DFH-TAB. This is the second trademark and trade dress lawsuit that has been brought due to a competitor's copying Applicant's product which is the subject of the above-captioned patent application. The first lawsuit was disclosed in a Supplemental Information Disclosure Statement mailed to the USPTO on October 31, 2005.

Under MPEP § 2001.06(c), "[e]nough information should be submitted to clearly inform the Office of the nature of these issues so that the Office can intelligently evaluate the need for asking for further materials in the litigation." The Complaint in the second lawsuit, which was filed on April 3, 2006, is submitted herewith. Defendant's Answer and Counterclaims in the second lawsuit, along with the ten (10) Exhibits thereto, which was filed May 15, 2006, is also submitted herewith. Plaintiff's Reply to the Counterclaims, which was filed June 5, 2006, is also submitted herewith. At this point in time, no further pleadings, motions, or other documents regarding the substantive merits of the case have been filed in the second litigation. A trial has not yet taken place. Plaintiff's Complaint, Defendant's Answer and Counterclaims, and Plaintiff's Reply to Counterclaims are listed on the attached PTO 1449 form as items AR, AS, and AT. The lawsuit does not currently involve any U.S. patents.

According to MPEP § 2001.06(c), "[e]xamples of such material information include evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure." Further

according to MPEP § 2001.06(c), “[a]nother example of such material information is any assertion that is made during litigation which is contradictory to assertions made to the examiner. *Environ Prods., Inc. v. Total Containment, Inc.*, 43 USPQ2d 1288, 1291 (E.D. Pa. 1997).” The Exhibits to Defendant’s Answer and Counterclaims contain images of suitcases that may or may not be prior art to the present application. However, very few dates appear on the pages of the Exhibits (other than the date of May 15, 2006 which is the date the Exhibits were submitted to the court in the present litigation) and therefore, it is unknown which, if any, of the suitcases shown in the Exhibits of Defendants are prior art to the present application.

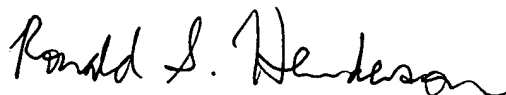
At the present time, no information which falls into any of the other above-listed categories (e.g., evidence of possible prior public use or sales, questions of inventorship, allegations of “fraud,” “inequitable conduct,” “violation of duty of disclosure,” and “contradictory assertions”) has been identified in the present litigation, although the examiner is invited to review the documents submitted herewith so that the examiner may make her own determination in this regard. Furthermore, because the lawsuit relates to trademark and trade dress infringement, it is believed that it is unlikely that information arising in connection with this lawsuit will bear upon any of the other above-listed categories. However, if such material information should arise during the course of litigation, it is our intention to provide that material information to the U.S. Patent & Trademark Office in subsequent Supplemental Information Disclosure Statements.

None of the documents listed on the attached PTO Form 1449 is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Please charge any fees that might be due in connection with this Information Disclosure Statement to Deposit Account No. 10-0435, with reference to attorney docket number 38566-77784.

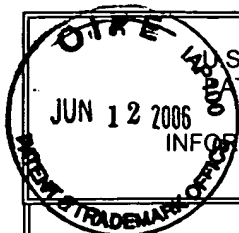
Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in cursive script, reading "Ronald S. Henderson".

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
38566-77784

SERIAL NO.
10/537,426

APPLICANT
Sedat Selvi

FILING DATE
June 2, 2005

GROUP
3727

U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation Yes No
AL						
AM						
AN						
AO						
AP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Complaint, <i>Landor & Hawa U.S.A., Ltd., and Landor & Hawa International, Ltd. vs. Traveler's Club Luggage, Inc.</i> , U.S. District Court for the Southern District of Indiana, Indianapolis Division, Case No. 1:06-cv-0528-DFH-TAB
AS	Answer and Counterclaims, <i>Landor & Hawa U.S.A., Ltd., and Landor & Hawa International, Ltd. vs. Traveler's Club Luggage, Inc.</i> , <i>Traveler's Club Luggage, Inc. vs. Landor & Hawa U.S.A., Ltd., and Landor & Hawa International, Ltd.</i> , U.S. District Court for the Southern District of Indiana, Indianapolis Division, Case No. 1:06-cv-0528-DFH-TAB
AT	Reply to Counterclaims, <i>Landor & Hawa U.S.A., Ltd., and Landor & Hawa International, Ltd. vs. Traveler's Club Luggage, Inc.</i> , U.S. District Court for the Southern District of Indiana, Indianapolis Division, Case No. 1:06-cv-0528-DFH-TAB
AU	
AV	
AW	
AX	
AY	
AZ	

Examiner

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.